

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Motoo SUMIDA et al.) Confirmation No.: 8556
Application No.: 10/511,829)
Filed: October 20, 2004) Examiner: Yaté Kai Rene Cutliff
For: ASTAXANTHIN MEDIUM-CHAIN)
FATTY ACID ESTER, PRODUCTION)
METHOD OF THE SAME AND)
COMPOSITION COMPRISING THE)
ESTER (As Amended))

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop RCE
Alexandria, VA 22314

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

Previously submitted:
 Please consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____. (Any unentered amendment(s) referred to above will be entered).
 Please consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.

 Enclosed:

Amendment/Reply
 Submission of Replacement Drawing Sheets
 Drawings: ___ sheets with ___ figures
 Information Disclosure Statement
 PTO Form 1449
 Other: _____

2. Miscellaneous

- Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).
- Change of Correspondence Address
- Submission of Revocation of Change of Power of Attorney and Grant of New Power of Attorney

3. Fees Calculation

(a) RCE Fee required under 37 C.F.R. § 1.17(e)

- \$810.00
- \$385.00 (for small entity)

(b) Additional Claims

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	27	minus	32	0	x \$52 each =	+\$0.00
Independent Claims (37 C.F.R. §1.16(b))	7	minus	5	2	x \$220 each =	+\$440.00
[] First presentation of Multiple dependent claim(s)					\$390.00	+\$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						-\$0.00
TOTAL FEE =						\$440.00

(c) Extension of Time

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input checked="" type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00
<input type="checkbox"/> five months	\$ 2,350.00	\$1,175.00

Extension of time fee due with this request: \$ 490.00

If an additional extension of time is required, please consider this a Petition therefor.

4. Fee Payment

Total Fee (\$1,740.00 to include \$810.00 for the RCE filing fee; \$440.00 additional independent claim fee; and \$490.00 for the two-month extension of time fee) is to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.**

The Commissioner is hereby authorized to charge the Deposit Account No. 50-0573 in the amount of _____.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: December 16, 2008

By:

Christopher P. Bruenjes

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